

Lynda J. Zadra-Symes (SBN 156,511)
 Lynda.Zadra-Symes@kmob.com
 Jeffrey L. Van Hoosear (SBN 147,751)
 Jeffrey.VanHoosear@kmob.com
 David G. Jankowski (SBN 205,634)
 David.iankowski@kmob.com
 KNOBBE, MARTENS, OLSON & BEAR, LLP
 2040 Main Street
 Fourteenth Floor
 Irvine, CA 92614
 Phone: (949) 760-0404
 Facsimile: (949) 760-9502

Attorneys for Defendant/Counter-Claimant,
 KEATING DENTAL ARTS, INC.

IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL
 CERAMICS, INC. dba GLIDEWELL
 LABORATORIES,

Plaintiff,

v.

KEATING DENTAL ARTS, INC.

Defendant.

AND RELATED COUNTERCLAIMS.

Civil Action No.
 SACV11-01309-DOC(ANx)

**DEFENDANT AND
 COUNTER-CLAIMANT
 KEATING DENTAL ARTS,
 INC'S WITNESS LIST**

Final Pretrial Conference:
 January 28, 2013
 8:30 am
 Ctrm: 9D

Jury Trial:
 February 26, 2013
 8:30 am
 Ctrm: 9D

Honorable David O. Carter

Pursuant to Local Rule 16-2.4 and Federal Rule of Civil Procedure 26(a)(3)(A), Defendant/Counter-Plaintiff, Keating Dental Arts, Inc. (“Keating”), hereby submits its Witness list. Keating reserves the right to amend its witness list to add additional witnesses as may be necessary and appropriate under the applicable rules and orders of this Court.

	Witness (* may call if the need arises)	Description of Testimony
1	Shaun Keating	Mr. Keating is Chief Executive Officer at Keating Dental Arts. Mr. Keating will be called to testify about Keating’s business, including marketing of its dental restoration products, the use of the KDZ family of marks and the associated products and, in particular, the KDZ Bruxer mark and product. He will testify about his creation of the “KDZ” family of marks, including the “KDZ Bruxer” name for Keating Dental Arts’ all-zirconia crown. He will also testify regarding Keating’s damages.
2	Bob Brandon	Mr. Brandon is the General Manager at Keating Dental Arts. Mr. Brandon will be called to testify about Keating’s business, including its operations in providing dentist restoration products, and Keating’s policy and procedures in contacting dentists regarding use of the term “bruxzir.” He will also testify regarding Keating’s damages.
3	Diane Mallos Donich	Ms. Donich is Chief Financial Officer at Keating Dental Arts. She will be called to testify about Keating’s business, including the about sales and advertising of the KDZ Bruxer product. She will also testify regarding Keating’s damages.

	Witness (* may call if the need arises)	Description of Testimony
4	Dr. David Eggleston	<p>Dr. Eggleston is an expert in dentistry and prosthodontics.</p> <p>Dr. Eggleston will be called to testify about the practice of dentists as it pertains to dental restorations, and the practice of ordering crowns within the dental industry. He will also testify regarding the understanding of “bruxer” in the dental industry, and the use of “brux,” “bruxer,” and related terms within the dental industry. He will also testify about the phonetic equivalence of the terms “bruxer” and “bruxzir” and the generic use of such terms to describe crowns used to treat bruxism.</p>
5	Lori Boatright	<p>Ms. Boatright is an expert on trademark prosecution.</p> <p>Ms. Boatright will be called to testify regarding the procedures of examination that are to be followed by trademark examiners at the Patent and Trademark Office when considering a trademark application. She will also testify regarding errors made by the trademark examiner who examined Glidewell’s application to register the name BRUXZIR for use with dental restoration products.</p>

///

///

///

///

///

///

///

///

	Witness (* may call if the need arises)	Description of Testimony
6	Jim Shuck	Mr. Shuck is the Vice President of Sales and Marketing at Glidewell. Mr. Shuck will be called to testify regarding the creation and meaning of the name “BruxZir.” He will also be called to testify regarding Glidewell’s advertising and marketing of the “BruxZir” branded product.
7	Dr. Michael DiTolla	Dr. DiTolla is an in-house dentist employed by Glidewell. Dr. DiTolla will be called to testify regarding his understanding of the “BruxZir” mark, and the testing and use of the product associated with the mark. He will also be called to testify about his education and practices as a dentist.
8	Carol Frattura	Ms. Frattura is the Vice President of Showcase Dental Laboratories, a third party in this case. Ms. Frattura will be called to testify regarding the business of her dental laboratory. She will also be called to testify about her communications with Glidewell regarding her laboratory’s historical use of a trade name. She will also be called to testify about the use and meaning of the term “bruxer,” “bruxzir” and similar terms within the dental industry. She will also be called to testify regarding her company’s use and understanding of “bruxer” to describe all zirconia crowns.
9	Keith Allred	Mr. Allred is the General Counsel for Glidewell. Mr. Allred will be called to testify regarding Glidewell’s filing of its trademark applications and its communications with the trademark examiner. He will also be called to testify about enforcement measures Glidewell has taken in association with the “BruxZir” mark, and his communications with third parties.

	Witness (* may call if the need arises)	Description of Testimony
10	Robin Bartolo	Mr. Bartolo is the Sales Manager for Glidewell Direct at Glidewell. Mr. Bartolo will be called to testify regarding the interactions Glidewell has had with Keating Dental Arts, and the interactions it has had with its “authorized” labs. He will also be called to testify regarding the lack of monitoring done by Glidewell over dental restorations manufactured by other dental laboratories that purchase zirconia from Glidewell. He will also be called to testify regarding the meaning of the “BruxZir” mark, and Glidewell’s enforcement of its “BruxZir” mark.
11	*Robin Carden	Mr. Carden is the Vice President of Research and Development at Glidewell. Mr. Carden may be called to testify regarding the material used to make the “BruxZir” product. He may also be called to testify regarding the development of the “BruxZir” product.
12	*Wolfgang Friebauer	Mr. Friebauer is the Director of Research and Development and Education at Glidewell. Mr. Friebauer may be called to testify regarding the process of making the “BruxZir” product and the training of employees associated with the product. He may also be called to testify regarding the meaning of the “BruxZir” mark.
13	*Dr. William Belton	Dr. Belton is a third party dentist. Dr. Belton may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
14	*Dr. Raymond Brady	Dr. Brady is a third party dentist. Dr. Brady may be called to testify as to his dentistry

	Witness (* may call if the need arises)	Description of Testimony
		practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
15	*Dr. Jonathan Campbell	Dr. Campbell is a third party dentist. Dr. Campbell may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
16	*Dr. Michael Colleran	Dr. Colleran is a third party dentist. Dr. Colleran may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
17	*Dr. Joseph Jacquinot	Dr. Jacquinot is a third party dentist. Dr. Jacquinot may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
18	*Dr. Dennis Murphy	Dr. Murphy is a third party dentist. Dr. Murphy may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
19	*Dr. Terry Myers	Dr. Myers is a third party dentist. Dr. Myers may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental

	Witness (* may call if the need arises)	Description of Testimony
		industry.
20	*Dr. Thomas Nussear	Dr. Nussear is a third party dentist. Dr. Nussear may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
21	*Dr. Michael Razzano	Dr. Razzano is a third party dentist. Dr. Razzano may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
22	*Dr. Stan Richardson	Dr. Richardson is a dentist. Dr. Richardson may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
23	*Dr. Richard Scott	Dr. Scott is a third party dentist. Dr. Scott may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
24	*Dr. Scott Stephens	Dr. Stephens is a third party dentist. Dr. Stephens may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
25	*Dr. Daniel Sweet	Dr. Sweet is a third party dentist. Dr. Sweet may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use

	Witness (* may call if the need arises)	Description of Testimony
		and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.
26	*Dr. Gary Tobin	Dr. Tobin is a third party dentist. Dr. Tobin may be called to testify as to his dentistry practice, his lack of confusion between “BruxZir” and Keating’s products, and his use and understanding of the terms “bruxzir,” “bruxer,” and similar terms within the dental industry.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 7, 2013

By: /s/ David G. Jankowski

Darrell L. Olson

Lynda J. Zadra-Symes

Jeffrey L. Van Hoosear

David G. Jankowski

ENTERPRISE COUNSEL GROUP ALC

David A. Robinson

James S. Azadian

Attorneys for Defendant/Counter-Claimant,
KEATING DENTAL ARTS, INC.

14517627